

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 10-195(JNE/JJK)

| | | |
|---------------------------|---|--------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | ORDER |
| v. |) | |
| |) | |
| (1) RICHARD A. SAND |) | |
| (3) BRENDA L. EPPERLY, |) | |
| |) | |
| Defendants. |) | |

On February 7, 2012 the government filed a motion to amend the judgments of conviction for both defendants Sand and Epperly in the above-captioned matter. District Court document 143. The motion requests that the judgments for both defendants be amended to include restitution for the two financial institution victims in this case, Bank of America, loss of \$1,100,000.00 and U.S. Bank, loss of \$189,481.54. These same restitution amounts were ordered as to co-defendant Donald Krause in his judgment of conviction.

The government further requested that the Court order the defendants to pay the restitution jointly and severally. Both defendants had agreed to pay restitution in the full amount of the loss resulting from the scheme, as part of their plea agreements. See Sand Plea Agreement, ¶ 29; Epperly Plea Agreement, ¶ 24.

Even though more than 90 days have elapsed since the date of sentencing, the Court retains its authority to amend the judgments to now order restitution. See Dolan v. United States, 130 S. Ct. 2533, 2539 (2010); United States v. Ballentine, 569 F. 3d 801, 806-

807 (8th Cir. 2009). The defendants have not filed an objection to the government's motion.

ACCORDINGLY, IT IS HEREBY ORDERED that the judgments as to both defendants Sand and Epperly shall be amended to include an Order of Restitution on page 5 of both judgments as follows.

| Name and Address of Payee | Total Loss | Restitution Ordered | Priority Percentage |
|---|----------------|---------------------|---------------------|
| Bank of America 2595 W. Chandler Blvd. AZ-804-01-06 Chandler, AZ 85224 | \$1,100,000.00 | \$1,100,000.00 | |
| U.S. Bank 800 Nicollet Mall Minneapolis, MN 55402 | \$189,481.54 | \$ 189,481.54 | |
| | | | |
| TOTAL | \$1,289,481.54 | \$1,289.481.54 | 0.00% |

Date: March 20, 2012

s/ Joan N. Ericksen
The Honorable Joan N. Ericksen
United States District Judge